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Attorneys for Defendants and Counterclaimants
 Dorothy Tovar and Adrenaline Sports, Inc.

IN THE UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

R & R PARTNERS, a Nevada Corporation,
 and the LAS VEGAS CONVENTION AND
 VISITORS AUTHORITY,

Plaintiffs,

v.

DOROTHY TOVAR, an individual, and
 ADRENALINE SPORTS, INC.,

Defendants,

AND RELATED COUNTERCLAIMS

Case No. CV-N-04-0145-LRH(PAL)

**SECOND DECLARATION OF DOROTHY
 TOVAR IN SUPPORT OF DEFENDANTS'
 MOTION FOR SUMMARY JUDGMENT**

I, Dorothy Tovar declare as follows:

1. I make this declaration based on events of which of I have personal knowledge. If called as a witness, I would be willing and able to testify to the following facts.
2. I have read the Declaration of Mark Dickens filed on March 14, 2006.
3. I was engaged to Mark Dickens between April and June, 2005.
4. I have never had a discussion with Mr. Dickens regarding my idea to create a clothing

MHA

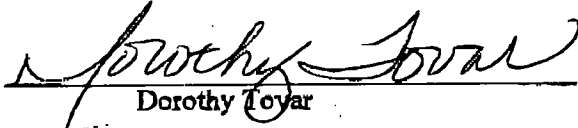
1 line branded with the slogan "What Happens In Vegas Stays In Vegas." At no time did I ever state
2 to Mr. Dickens that I "got the idea to sell clothing bearing the WHAT HAPPENS IN VEGAS
3 STAYS IN VEGAS slogan after seeing a television commercial using a similar slogan for Las
4 Vegas."

5 5. The break-up between Mr. Dickens and I was very contentious. Although we
6 attended therapy to ease the strain of the breakup, the effort did not work. Since the breakup, Mr.
7 Dickens has harassed me, my family, and friends with numerous threatening telephone calls and
8 faxes.

9 6. I was forced to seek, and was granted, a Temporary Restraining Order to keep Mr.
10 Dickens away from myself and my home. The Temporary Restraining Order was issued by the
11 Superior Court of California, El Dorado County on February 27, 2006. A true and copy is attached
12 hereto as Exhibit A.

13 7. I declare under penalty of perjury under the laws of the United States of America that
14 the foregoing is true and correct and that this declaration is executed on March 15, 2006, at

15 Folsom, California.

16
17 
18 Dorothy Tovar
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MHA

CHARTER 1000 THE HARMER & ADAMS INC.
HARRISBURG, PA 17101

908320v2 32136/0009

-2-

CH-120**Notice of Hearing and
Restraining Order****RECEIVED COPY**

Clerk stamps date here when form is filed.

EL DORADO CO. SUPERIOR CT.**REC FEB 27 2006****BY****Deputy****1 Name of person asking for protection:**DOROTHY TOVARAddress (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Your telephone number (optional): () _____

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number): JOHN DAVID PEREIRA, SBN 1559733161 CAMERON PARK DRIVE, STE. 219ACAMERON PARK, CA 95682(530) 672-9577

Fill in court name and street address:

Superior Court of California, County of**EL DORADO****3321 CAMERON PARK DRIVE****CAMERON PARK, CA 95682****CAMERON PARK BRANCH**

Court fills in case number when form is filed.

Case Number:

PC # 20060087**2 Name of person to be restrained:**Mark Lane Dickens

Description of that person:

Sex: ☒ M ☐ F Height: 6'0 Weight: 190 Race: CaucasianHair Color: BRN Eye Color: Green Age: 41 Date of Birth: 11-3-64Home Address (if known): 759 NW RoanokeCity: Bend State: Oregon Zip: 97701

Work Address (if known): _____

City: _____ State: _____ Zip: _____

To the person in ②:**3 Notice of Hearing****A court hearing is scheduled on the request for orders against you to stop harassment:****Hearing
Date**Date: 3/16/06Time: 8:15Dept.: 9

Rm.: _____

Name and address of court if different from above:

If you do not want the court to make orders against you, file Form CH-110. Then go to the hearing and tell the court why you disagree. You may bring witnesses and other evidence. If you do not go to this hearing, the court may make restraining orders against you that could last up to 3 years.

4 Court Orders

The court (check a or b):

a. ☒ Has scheduled the hearing stated in ③. No orders are issued against you at this time.b. ☐ Has scheduled the hearing stated in ③ and has issued the temporary orders against you specified on page 2. If you do not obey these orders, you can be arrested and charged with a crime. And you may have to go to jail, pay a fine of up to \$1,000, or both.**This is a Court Order.****Notice of Hearing and Temporary Restraining Order (CLETS)
(Civil Harassment)****Legal
Solutions
& Plus**

CH-120, Page 1 of 4

EXHIBIT A

Case Number:

Your name: DOROTHY TOVAR

☒ Temporary Orders Against the Restrained Person(Write the name of the person in ②): Mark Lane Dickens

The court has made the temporary orders indicated below against you. You must obey all these orders. These orders will expire on the date of the hearing listed in ③ unless they are extended by the court.

⑤ ☒ Personal Conduct Orders

You must not do the following things to the people listed in ① and ⑩:

- ☒ a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, destroy personal property, keep under surveillance, or block movements.
- ☒ b. Contact (directly or indirectly), telephone, send messages, mail, or e-mail.

Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this Order.

⑥ ☒ Stay-Away OrderYou must stay at least (specify): 100 yards away from:

- a. ☒ The person listed in ① e. ☒ Vehicle of person in ① ☐ Vehicles of persons in ⑩
- b. ☐ The people listed in ⑩ f. ☐ The protected children's school or child care
- c. ☒ The home of the persons in ① and ⑩ g. ☐ Other (specify): _____
- d. ☒ Jobs or workplaces of the persons in ① and ⑩ _____

This stay-away order does not prevent the person in ② from going to or from that person's home or place of employment.

⑦ No Guns or Other Firearms

You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

⑧ Turn In or Sell Guns or Firearms

You must

- Sell to a licensed gun dealer or turn in to police any guns or firearms that you possess or control. This must be done within 48 hours of receiving this order. But if you were at a hearing on this order, it must be done within 24 hours of the hearing.
- Bring a receipt to the court within 72 hours of receiving this order, to prove that guns have been turned in or sold. (You may use Form CH-145 for this.)

⑨ ☐ Other Orders (specify): _____⑩ ☐ Other Protected Persons

List of the full names of all family or household members protected by these orders:

This is a Court Order.



Case Number:

Your name: DOROTHY TOVAR**Instructions for the Protected Person**To the person in (1): (Write the name of the person in (1)): DOROTHY TOVAR**(11) Service of Order on Law Enforcement**

If the court issues temporary restraining orders, by the close of business on the date the orders are made, you or your lawyer should deliver a copy of this Order and any proof of service forms to each law enforcement agency listed below.

Name of Law Enforcement Agency:

Address (City, State, Zip)

EL DORADO COUNTY SHERIFFSACRAMENTO COUNTY SHERIFFFolsom Police Dept**(12) Service of Documents**

You must have someone personally deliver to the person in (2) a copy of all the documents checked below:

- a. ☒ CH-120, Notice of Hearing and Temporary Restraining Order (CLETS) (completed and file-stamped)
- b. ☒ CH-100, Request for Orders to Stop Harassment (completed and file-stamped)
- c. ☒ CH-110, Answer to Request for Orders to Stop Harassment (blank form)
- d. ☒ CH-145, Proof of Firearms Turned In or Sold (blank form)
- e. ☒ CH-151, How Can I Answer a Request for Orders to Stop Harassment?
- f. ☐ Other (specify): _____

You must file with the court before the hearing a proof of service of these documents on the person in (2).

(13) Time for Service (check a, b, or c)

- a. ☒ A copy of the documents listed in (12) must be served in person to the person in (2) at least 5 days before the hearing.
- b. ☐ A copy of the documents listed in (12) must be served in person to the person in (2) at least 2 days before the hearing.
- c. ☐ A copy of the documents listed in (12) must be served in person to the person in (2) at least _____ days before the hearing.

(14) ☒ No Fee for Filing

Filing fees are waived.

(15) ☒ No Fee for Service of Order by Law Enforcement

The sheriff or marshal will serve this Order without charge because the order is based on a credible threat of violence resulting from a threat of sexual assault or on stalking.

Date:

FEB 27, 2006

Judicial Officer

Thomas A. SmithASSIGNED Thomas A. Smith**This is a Court Order.**

Case Number:

Your name: DOROTHY TOVAR

Warnings and Notices to the Restrained Person in ②

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to police any guns or firearms that you have or control in accordance with item ⑧ above. The court will ask you for proof that you did so. If you do not obey this Order, you can be charged with a crime.

Instructions for Law Enforcement

This Order is effective when made. It is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the Order and then shall enforce it. Violations of this Order are subject to criminal penalties.

**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk's office for *Request for Accommodations by Persons with Disabilities and Order* (form MC-410). (Civil Code, § 54.8)

(Clerk will fill out this part)

—Clerk's Certificate—Clerk's Certificate
(seal)

I certify that this *Notice of Hearing and Temporary Restraining Orders* is a true and correct copy of the original on file in the court.

Date: 2-28-06 Clerk, by K. Shane, Deputy

This is a Court Order.

CH-100**Request for Orders to
Stop Harassment**

Clerk stamps date here when form is filed.

EL DORADO CO. SUPERIOR CT.**FILED** FEB 24 2005**BY** K. Shane
Deputy

- 1**
- Your name (person asking for protection):

DOROTHY TOVAR

Your address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Your telephone number (optional): (____) _____

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number):

John David Pereira, SBN 1559733161 CAMERON PARK DRIVE, STE. 219ACAMERON PARK, CA 95682

- 2**
- Name of person you want protection from:

Mark Lane DickensDescribe the person Sex: ☒ M ☐ F Weight: 190Height: 6'0" Race: Caucasian Hair Color: Light BrownEye Color: Green Age: 41 Date of Birth: 11-3-64Home Address (if you know): 759 NW RoanokeCity: Bend, Oregon 97701 State: _____ Zip: _____

Work Address (if you know): _____

City: _____ State: _____ Zip: _____

- 3**
- Besides you, who needs protection? (Family or household members)

Full name Sex Age Lives with you? How are they related to you?

Full name	Sex	Age	Lives with you?	How are they related to you?
<u>N/A</u>			<input type="checkbox"/> Yes <input type="checkbox"/> No	
			<input type="checkbox"/> Yes <input type="checkbox"/> No	
			<input type="checkbox"/> Yes <input type="checkbox"/> No	
			<input type="checkbox"/> Yes <input type="checkbox"/> No	

☐ Check here if you need more space. Attach a sheet of paper and write "CH-100, item 3—Describe Protected Persons" at the top of the page.

- 4**
- Why are you filing in this court? (Check all that apply):

☐ The person in **2** lives in this county.☒ I was hurt (physically or emotionally) by the person in **2** here.☒ Other (specify): My home is in EL Dorado County

- 5**
- How do you know the person in
- 2**
- ? (Describe):

Former France'**This is not a Court Order.****P1**

Case Number:

Your name: DOROTHY TOVAR**6** Describe how the person in **2** has harassed you:a. Date of most recent harassment: 2 weeks agob. Who was there? Myselfc. Did the person in **2** commit any acts of violence or threaten to commit any acts of violence against you?☐ Yes ☒ No

If yes, describe those acts or threats: _____

d. Did the person in **2** engage in a course of conduct that harassed you and caused substantial emotional distress? ☒ Yes ☐ No 1:30 am.If yes, describe: Came to house, angry I would not answer. kept ringing doorbell. Calls & leaves offensive text messages. has entered my home and taken private clothing, artwork, bed sheets, will not stop contacting me.e. Did the conduct of the person in **2** described above seriously alarm, annoy, or harass you? ☒ Yes ☐ No☒ Check here if you need more space. Attach a sheet of paper and write "CH-100, item 6—Describe Harassment" at the top of the page.Check the orders you want ☒**7** ☒ **Personal Conduct Order**I ask the court to order the person in **2** to NOT do the following things to me or anyone listed in **3**:a. ☒ Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, destroy personal property, keep under surveillance, or block movements,b. ☒ Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail.**8** ☒ **Stay-Away Order**I ask the court to order the person in **2** to stay at least (specify): 100 yards away from me and the people listed in **3** and the places listed below: (Check all that apply):a. ☒ My homed. ☒ My vehicleb. ☒ My job or workplacee. ☒ Other (specify): _____c. ☐ My children's school or child careIf the court orders the person in **2** to stay away from all the places listed above, will that person still be able to get to his or her home, school, or job? ☒ Yes ☐ No

If no, explain: _____

9 ☐ **Others to Be Protected**Should the other people listed in **3** also be covered by the orders described above?☐ Yes ☐ No ☐ Does not apply

If yes, explain: _____

This is not a Court Order.



Case Number:

Your name: DOROTHY TOVAR

10 Order About Guns or Other Firearms

I ask the court to order the person in ② to be prohibited from owning, possessing, purchasing, or receiving, or attempting to purchase or receive firearms and to sell or turn in any guns or firearms that he or she controls.

11 ☒ Other Orders

I ask the court to order the person in ② to (specify): TURN OVER ANY AND ALL KEYS TO MY RESIDENCE AND / OR VEHICLES.

12 ☒ Temporary Orders

Do you want the court to make orders now on the matters listed in ⑦, through ⑪ that will last until the hearing? ☒ Yes ☐ No

If yes, explain why you need these orders right now: I am fearful he will continue to contact me and I am in constant emotional distress

☐ Check here if you need more space. Attach a sheet of paper and write "CH-100, item 12—Temporary Orders" at the top of the page.

13 Delivery of Orders to Law Enforcement

My lawyer or I will give copies of the orders to the following law enforcement agencies:

a. Name of Agency: EL DORADO COUNTY SHERIFF

Address: _____

City: _____

State: _____ Zip: _____

b. Name of Agency: Folsom Police Dept.

Address: _____

City: _____

State: _____ Zip: _____

14 ☒ Other Court Cases

Have you ever asked any court for other restraining orders against the person in ②? ☐ Yes ☒ No

If yes, specify the counties and case numbers if you know them: _____

☒ Time for Service

You must have your paper personally served on (notify) the person in ③ at least 5 days before the hearing, unless the court orders a different time for service. (Form CH-135 explains "What is Proof of Service?" Form CH-130 may be used to show the court that the papers have been served.) If your papers cannot be served at least 5 days before the hearing and you need more time, explain why:

This is not a Court Order.

Revised January 1, 2005

**Request for Orders to Stop Harassment
(Civil Harassment)**

CH-100, Page 3 of 4



Case Number: Your name: DOROTHY TOVAR**16** ☒ **No Fee for Filing**

I ask the court to waive the filing fee because the person in **(2)** has used or threatened to use violence against me, has stalked me, or has acted to spoken in some other way that makes me reasonably fear violence. I am asking for a restraining order to stop this conduct.

17 ☐ **No Fee to Serve Orders**

I ask the court to order the sheriff or marshall to serve (notify) the person in **(2)** about the orders for free because that person has stalked me or threatened me with sexual assault.

(To get free service of the court's orders without paying a fee, you must fill out and file the Request and Order for Free Service of Restraining Order (Form CH-101), and if you qualify for a fee waiver, you must also fill out and file the Application for Waiver of Court Fees and Costs (Form 982(a)(17).)

18 ☒ **Lawyer's Fees and Costs**

I ask the court to order payment of my:

- a. ☒ Lawyer's fees
b. ☐ Out-of-pocket expenses

The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
ATTORNEY FEES	\$ 1,000		\$
	\$		\$
	\$		\$

☐ Check here if you need more space. Attach a sheet of paper and write "CH-100, item 18—Lawyer's Fees and Costs" at the top of the page.


19 **Additional Relief**

I ask the court for additional relief as may be proper.

20 Number of pages attached to this form, if any: _____

Date: 2-24-06

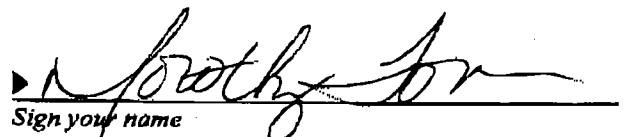
John David Pereira, SBN 155973
Attorney's name


Attorney's signature

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: 2-24-06

DOROTHY TOVAR
Type or print your name


Sign your name

This is not a Court Order.

Supplement to CH-100 Item 6

In the past 30 days, Mark Lane Dickens has contacted me almost every day and often several times a day either by telephone, fax, or text messaging. He has used foul language and called me awful names and threatened that if I did not contact him things were "going to get worse." I have writings and recordings of this unwanted contact. I am afraid he cannot let go and will continue to contact me and stalk me.

Mr. Dickens has also contacted many of my friends and their families to disseminate negative information about me. He has been seen hiding in bushes and other locations even though he does not have any residence in this area.

****IMPORTANT NOTICE****

**ORDER SHALL HAVE NO WRITING,
WHATSOEVER, ON ITS' FACE OTHER
THAN THAT ON THE ORIGINAL ORDER**

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF EL DORADO

EL DORADO COUNTY SUPERIOR
COURT
CAMERON PARK BRANCH, DEPT. 9
3321 CAMERON PARK DRIVE
CAMERON PARK, CA 95682

To the Defendant:

WARNING

THE ORDER REMAINS IN EFFECT UNTIL EXPIRATION DATE OR UNTIL FURTHER ACTION BY THE COURT

If you have been ordered to remain away from a particular household, you can be arrested if you return, EVEN IF YOU RETURN WITH THE PERMISSION OF THE PERSON WHO SOUGHT THIS ORDER AGAINST YOU.

The police will keep a copy of this order until the expiration date or until it is ended by the Court. They may arrest you if you are found in the household.

If the person who sought this order against you is willing to let you return, he or she must appear before the court and ask for the order to be ended. If this is not done, the order will remain in effect.

The court may extend this order beyond the date listed. Before you return to the household, be certain you see a copy of the order stating "Order Vacated" or "Dismissed". Otherwise, you may be arrested.

Violation of this order is an offense for which you may be subject to prosecution by the District Attorney.

**El Dorado County Superior Court
Prohibited Persons Notice Form and Power of Attorney for
Firearms and Disposal Procedure**

Penal Code Sections 12021(d)(1) and 12021.1 and Section 8100 or 8103 of the Welfare and Institutions Code state any person who has been convicted of a felony, certain misdemeanors, certain firearms offenses, who is addicted to narcotics, who is the subject of a domestic violence restraining order, or has been committed to a mental institution, may not possess or have under his or her control any firearm.

Pursuant to Penal Code Section 12021(d)(2) the court shall provide the attached form to a defendant prohibited from owning, possessing or having under his custody or control, any firearm.

CRIMINAL CASES

- When a Bench Officer finds the defendant may not possess or have under his or her control any firearm, the Judicial Assistant is to provide the defendant with the attached forms that include the Prohibited Persons Notice Form and Power of Attorney for Firearms and Disposal.
- The Judicial Assistant shall reflect in her minute order that the Prohibited Persons Notice Form and Power of Attorney for Firearms and Disposal has been provided to the defendant.

CIVIL CASES (DOMESTIC VIOLENCE & CIVIL HARASSMENT)

- When a Bench Officer orders that a restrained person may not possess or have under his or her control any firearm, the Legal Process Clerk is to attach the forms that include the Prohibited Persons Notice Form and Power of Attorney for Firearms and Disposal to the restraining order. When the defendant is served with the restraining order, the Prohibited Persons Notice Form and Power of Attorney for Firearms and Disposal will be attached.
- The clerk shall input on the case action code PPNF - Prohibited Persons Notice Form and Power of Attorney for Firearms and Disposal attached to the Restraining Order for service.

Power of Attorney Declaration For Firearms Transfer and Disposal

Must be notarized or witnessed (with signed affirmation) by a person who is not a party to this transaction.

I _____ hereby designate _____ as my of
Printed Name of Firearm Owner *Printed Name of Designee*

Power of Attorney for the purpose of transferring or disposing of my firearm(s). This Power of Attorney is solely for the purpose of authorizing the above designee to transfer or dispose of my firearm(s) within 30 days from the effective date of this designation. This designation shall become null and void after 30 days. As the firearm owner I hereby declare under penalty of perjury under the laws of State of California that the foregoing is true and correct and that to the best of my knowledge, the above designee is not prohibited from possessing firearms pursuant to Penal Code sections 12021 or 12021.1 or section 8100 or 8103 of the Welfare and Institutions Code. I also understand that I cannot at any time during my prohibition period access, have access to, or control firearms. To be effective immediately upon occurrence of the prohibiting event: conviction, restraining order etc.

Signature of Firearm Owner
(must be notarized/witnessed)

Date

As Power of Attorney I hereby accept with full knowledge and understanding my responsibility to carry out one of the actions as indicated on the reverse within 30 days from the effective date of this designation. As Power of Attorney I declare under penalty of perjury and that after reviewing the included list of prohibitions that I am not prohibited from possessing a firearm.

Signature of Power of Attorney
(must be notarized/witnessed)

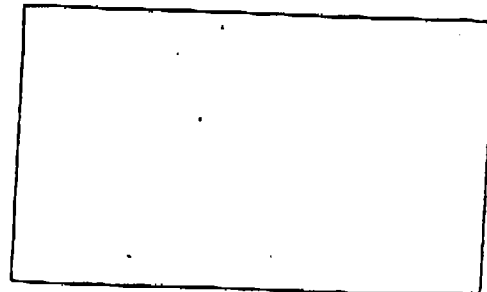
Date

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT (OR WITNESS)

State of _____, County of _____, On _____
 before me, _____ personally appeared:
Name, Title of Officer - E.G., "Jane Doe, Notary Public" *Date*

Names of Signers

Personally known to me - OR - proved to me on the basis of Satisfactory evidence to be the person(s) whose name(s) is/are Subscribed to within the instrument and acknowledged to me That they executed the same in their authorized capacities, and That by their signatures on the instrument the persons, or the Entity upon behalf of which the persons acted, executed the Instrument.



Seal of Notary

Signature of Notary (or Witness)

Questions concerning prohibited persons legal status or questions pertaining to use of this form may be directed to the Department of Justice Firearms Division at (916) 227-3703.

FD 110, 11/01

STATE OF CALIFORNIA FIREARMS PROHIBITING CATEGORIES

Note: The Department of Justice provides this document for informational purposes only. This information may not be inclusive of all firearms prohibitions as a result of subsequent clarifications or changes in law. This publication is not intended to replace an individual's direct inquiry into the current statement of laws or the pursuit of legal counsel.

- 1.) Person convicted of a felony, or any offense enumerated in Section 12021.1 of the Penal Code (PC).
- 2.) Person who is a fugitive from justice (Federal Brady Act, 18 USC 922(n) & 178.11).
- 3.) Person under indictment or court information: includes any court, under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted.
- 4.) Person addicted to the use of narcotics pursuant to 12021 PC.
- 5.) Person denied firearm possession as a condition of probation pursuant to Section 12021(d) PC.
- 6.) Juveniles adjudged wards of the juvenile court because they committed a 707(b) Welfare and Institutions Code (WIC) offense, an offense described in Section 1203.073(b) PC or any offense enumerated in 12021(c)(1) PC are prohibited until they reach age 30.
- 7.) Person subject to a protective/restraining order as defined in Section 8218 of the Family Code, or a temporary restraining order or injunction issued pursuant to Section 12021(g)(1) PC & 527.6 or 527.8 of the Civil Code of Procedure.
- 8.) Person found by a court to be mentally incompetent to stand trial, not guilty by reason of insanity or to be a mentally disordered sex offender pursuant to 8103 WIC.
- 9.) Person placed on a conservatorship because they are gravely disabled as a result of a mental disorder or impairment by chronic alcoholism pursuant to 8103 WIC.
- 10.) Person who communicates a threat to a licensed psychotherapist, against a reasonably identifiable victim, and the psychotherapist reports to law enforcement, is subject to a firearms prohibition for 6 months pursuant to 8100(b)(1) WIC.
- 11.) Person taken into custody as a danger to self or others under 5150 WIC, assessed under 5151 WIC, and admitted to a mental health facility under 5151, 5152, or certified under 5250, 5260, and 5270.15 WIC is prohibited from possessing or purchasing or attempting to purchase firearms for 5 years.
- 12.) Person who is a voluntary patient in a mental facility who is determined to be a danger to self or others is prohibited from purchasing or possessing a firearm between admission and discharge.
- 13.) Pursuant to Penal Code (PC) Section 12021(c)(1), any person who has been convicted of a misdemeanor violation for any of the following offenses is prohibited from owning, possessing, or having under his or her custody or control any firearms within 10 years of the conviction:

STATE OF CALIFORNIA FIREARMS PROHIBITING CATEGORIES

-Continued-

- Threatening public officers, employees, school officials (71 PC) and certain public officers, appointees, judges, staff or their immediate families with the intent and apparent ability to carry out the threat (72 PC).
- Intimidating witnesses and victims (136.1 PC), and possessing a deadly weapon with the intent to intimidate a witness (136.5 PC).
- Threatening witnesses, victims, or informants (140 PC).
- Attempting to remove or take a firearm from the person or immediate presence of a public or peace officer (145(d) PC).
- Unauthorized possession of a weapon in a state or local public building, or at a public meeting (171(b) PC).
- Bringing into or possessing a loaded firearm within the state capitol, legislative offices, etc. (171(c) PC).
- Taking into or possessing loaded firearms within the governor's mansion or residence of other constitutional officers, etc. (171(d) PC).
- Supplying, selling or giving possession of a firearm to a person for participation in criminal street gangs (186.28 PC).
- Assault (240 & 241 PC) or Battery (242 & 243 PC).
- Assault with a stun gun or taser (244.5 PC), deadly weapon, or force likely to produce great bodily injury (245 PC) or instrument; by any means likely to produce great bodily injury or with a stun gun or taser on a school employee engaged in performance of duties (245.5 PC).
- Shooting at an inhabited or occupied dwelling (248 PC) or discharging a firearm in a grossly negligent manner (246.3 PC).
- Shooting at an occupied aircraft, motor vehicle, or uninhabited building or dwelling house (247 PC).
- Willful infliction of corporal injury on a spouse, former spouse, cohabitant, former cohabitant, or the mother or father of his or her child (273.5 PC).
- Intentional and knowing violation of a court order to prevent harassment, disturbing the peace, or threats or acts of violence (Willfully violating a domestic protective/restraining order) (273.6 PC).
- Drawing, exhibiting, or using a deadly weapon other than a firearm, except in self defense (417(1)(2) PC) and draws or exhibits a firearm in the presence of a peace officer (417(2)(c) PC).
- Person who purchases, sells, manufactures, ships, transports, distributes or receives an imitation firearm (417.2 PC).
- Inflicting serious bodily injury by drawing or exhibiting a firearm or deadly weapon (417.6 PC).
- Threatening to commit a crime which will result in death or great bodily injury to another person (422 PC).
- Possessing a firearm in a "school zone", on the grounds of a public or private school (626.9 PC).
- Stalking; willfully, maliciously, and repeated follows or harasses another person (646.9 PC).
- Armed criminal action; carrying a loaded firearm with the intent to commit a felony (12023 PC).
- Possessing a deadly weapon with intent to assault another (12024 PC).
- Driver or owner of a motor vehicle who knowingly permits a firearm in, or discharge from that vehicle (12034 PC).
- Criminal possession of a firearm; in public while masked (12040 PC).
- Prohibited transfers, deliveries, or sales of firearms (12072 PC).
- Unauthorized possession, transportation, manufacture, or sale of a machine gun (12220 PC).
- Possession of ammunition designed to penetrate metal or armor (12320 PC).
- Carrying a concealed or loaded firearm, other deadly weapon, or wearing a peace officer uniform while picketing (12590 PC).
- Bringing or sending contraband into or possession within a juvenile facility or youth authority institution (871.5 & 1001.5 WIC).
- Firearm prohibitions as specified (8100, 8103 & 8101 WIC).

Revised July, 2001

**Prohibited Persons Notice Form and
Power of Attorney for Firearms and Disposal**
Penal Code Section 12021(d)(2)

Penal Code (PC) Sections 12021(d)(1) and 12021.1 and Sections 8100 or 8103 of the Welfare and Institutions Code state any person who has been convicted of a felony, certain misdemeanors, certain firearms offenses, who is addicted to narcotics, who is the subject of a domestic violence restraining order, or has been committed to a mental institution pursuant to Welfare and Institutions Code section 8100, may not possess or have under his or her control any firearm. Certain federal statutes impose lifetime and other more restrictive prohibitions on firearm possession. Please refer to the accompanying document entitled "State of California Firearms Prohibiting Categories."

Note: Specific procedures exist to allow persons prohibited from possessing firearms to seek relief from the prohibition pursuant to PC Section 12021 and Welfare & Institutions Code section 8103 (f)(5) and (g)(4). It should be noted that federal firearm prohibitions might be more restrictive than California prohibitions and that in many instances may also require a governor's pardon. If a person is granted relief from prohibition from a California court, the person may still be prohibited under federal law. Persons falling in this category must be granted relief from firearm prohibition by the federal courts before they may again possess firearms in California.

To be effective immediately upon occurrence of the prohibiting event: conviction, restraining order etc., any person who becomes prohibited from possessing firearms under California or federal statutes may not control, possess, or have access to any firearms. Prohibited persons must immediately designate a third party person (who is not prohibited from possessing firearms) to transfer or dispose any and all firearms by completing the Power of Attorney section on the reverse side of this form. Failure to immediately transfer or dispose of firearms may subject a person to criminal prosecution. The designated person (identified in the Power of Attorney form) must carry out one of the following actions within 30 days:

- Sell the firearm(s) to a California licensed firearm dealer;
- Sell or transfer the firearm(s) to another person who is not prohibited from possessing firearms (this transfer must be performed through a California licensed firearm dealer). Such a transfer may be temporary based on agreement of the parties and until such time that a non-lifetime prohibition ends;
- If the prohibition is 30 days or less, the designee may possess the firearm for the duration or transfer it to a person who is not prohibited from possessing firearms for a period of no more than 30 days;
- If the designee wishes to permanently possess the firearm(s) (beyond 30 days) a Voluntary Firearm Registration form (FD 4542) must be completed;
- Surrender the firearm(s) to a California law enforcement agency for the purpose of destruction.
- If the firearm(s) is an assault weapon as defined under PC Sections 12276, 12276.5, or 12276.6, and is registered pursuant to PC Section 12285, the designee must sell it to a licensed assault weapon dealer or relinquish it to a law enforcement agency. To obtain a list of DOJ permitted assault weapon dealers in your area, contact the Firearms Division at (916) 227-3696. If the firearm(s) is an unregistered assault weapon it must be relinquished to a law enforcement agency.

FD 110 11/01

PLAINTIFF (Name): DOROTHY TOVAR	CASE NUMBER:
DEFENDANT (Name): MARK LANE DICKENS	

b. ☐ **TURNOVER OF FIREARMS TO LAW ENFORCEMENT**

(To be completed by law enforcement agent)

The firearms listed in item 3 were turned in:

(1) On (date): (2) At (time): ☐ a.m. ☐ p.m.

(3) To (name and title of law enforcement agent):

(4) Name and address of law enforcement agency:

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date:

(TYPED OR PRINTED NAME OF LAW ENFORCEMENT AGENT)

(SIGNATURE OF LAW ENFORCEMENT AGENT)

(TITLE)

FIREARMS SOLD OR TURNED OVER

3. The firearms sold to the licensed dealer or turned in to the law enforcement agency indicated above were the following:

Firearm Make	Model	Serial Number
(1)		
(2)		
(3)		
(4)		
(5)		

☐ Additional firearms are listed on Attachment 3 to this form. (The make, model, and serial number of each firearm must be provided.)

4. The firearms listed in item 3 are:

- a. ☐ All firearms that the defendant or respondent owns, possesses, or controls. The defendant no longer owns, possesses, or controls any firearms.
- b. ☐ Some of the firearms that the defendant or respondent owns, possesses, or controls. If this item is checked, all of defendant's or respondent's other firearms:
- (1) ☐ Have been sold or transferred and proof of sale or transfer was filed with this court on (date):
- (2) ☐ Have been sold or transferred and proof of sale or transfer is filed with the court at the same time that this Proof is filed.
- (3) ☐ Have not yet been sold or transferred (explain):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

MARK LANE DICKENS

(TYPED OR PRINTED NAME OF DEFENDANT OR RESPONDENT)

(SIGNATURE OF DEFENDANT OR RESPONDENT)